

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MEMORANDUM AND ORDER

This matter came before the undersigned on December 17, 2007, for a scheduled detention hearing. Assistant United States Attorney Cynthia Davidson was present representing the government. Attorney Philip Lomonaco was present representing Defendant Vincent Valentine, who was also present.

In the Court's oral ruling, a complete review and analysis of the parties' positions, issues, and facts were stated. In general, the 18 U.S.C. § 3142(g) factors, including the weight of the evidence, his lack of significant ties to the community, his prior criminal history and his persistent violation of the law by driving on a suspended driver license, his continued drug use as indicated by his arrest on November 29, 2007, in an Asheville Highway motel with marijuana, his history of failure to appear at court dates in other cases all indicate the defendant is a danger to the community and that he is unlikely to follow any conditions imposed on his release. A transcript with the specific and detailed oral ruling will be filed as a supplement hereto and made a part of this Order as if stated herein verbatim.

At the conclusion of the hearing, the Court found that pursuant to 18 U.S.C. § 3142: (1) the government has not met the burden of establishing by a preponderance of the evidence that this defendant is a flight risk and a risk not to appear as required if released, and (2) the government has met the burden of establishing by clear and convincing evidence that Defendant Valentine's release would pose a danger to the community. Furthermore, the Court finds that there are no conditions or combination of conditions of release that would reasonably assure the Court that Defendant Valentine would appear as ordered and not pose a danger to the safety of any other person or the community

It is therefore **ORDERED** that Defendant, Vincent Valentine, be detained. Defendant will be committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate to the extent practicable from persons awaiting sentencing or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. Upon order of this Court or a Court of the United States or upon request of the attorney for the government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal Service for the purpose of an appearance in connection with a Court proceeding.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge